GALLAGHER EVELÍUS & JONES LLP

MARK S. SAUDEK msaudek@gejlaw.com direct dial: 410 347 1365

fax: 410 468 2786

September 4, 2009

Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451

78 / 751, 976

Re: CBT Supply, Inc. v. Stengel

Opposition Nos. 91176716 & 91176717

Dear Commissioner:

Please find enclosed for filing the Notice of Status of State Court Proceeding of Opposers CBT Supply, Inc. and Jeffrey Korber. Please date stamp and return the enclosed copy in the enclosed self-addressed envelope.

Please contact me if you have any questions.

Very frufy/yours

Mark S Saudek

Enclosures

09-08-2009

U.S. Patent & TMGFo TM Mail Ropt Dt. #21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application Serial Nos.: 78/751976

78/768870

CBT SUPPLY, INC. and
JEFFREY KORBER,
*

Opposers,

v. * Oppositions Nos. 91176716 * 91176717

PETER J. STENGEL, * (As Consolidated)

Applicant.

Commissioner for Trademarks
P.O. Box 1451
*

Alexandria, Virginia 22313-1451 *

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NOTICE OF STATUS OF STATE COURT PROCEEDING

Opposers CBT Supply, Inc. and Jeffrey Korber respectfully submit this notice in response to the Trademark Trial and Appeal Board's August 7, 2009 request for information. The Board seeks information on "the status of the state civil action which occasioned the suspension of this proceeding."

The civil action which occasioned the suspension of this proceeding is styled, Stengel v. CBT Supply, Inc., Case No. 13-C-05-064158 CN, pending in the Circuit Court of Maryland for Howard County. That case was stayed on April 2, 2007, pending resolution of a case involving related parties and related issues pending in the United States District Court for the District of Maryland, styled, Smartdesks, Inc. v. CBT Supply, Inc., Case No. 1:05-CV-03456 MJG. The parties in

the *Smartdesks*, *Inc.* case are scheduled to complete summary judgment briefing by September 25, 2009. No further deadlines have been set in the *Smartdesks*, *Inc.* case.

Accordingly, CBT Supply, Inc. and Jeffrey Korber respectfully submit that this proceeding should remain suspended.

Respectfully submitted,

GALLAGHER EVELIUS & JONES LLP

Ward B. Coe, III Mark S. Saudek

218 North Charles Street, Suite 400

Baltimore, Maryland 21201

(410) 727-7702

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Attorneys for Opposers CBT Supply, Inc. and Jeffrey Korber

Dated: September 4, 2009

#377289

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of September 2009, a copy of the foregoing Notice of Status of State Court Proceeding was served by first class mail, postage prepaid, on:

H. Robert Field Scott A. Conwell Conwell, LLC 2101 Defense Highway, Suite 4 Crofton, Maryland 21114 scott@conwellusa.com

Mark S. Saudek